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Note verbale dated 5 September 2017 from the Permanent Mission of Afghanistan to the United Nations addressed to the Secretariat

The Permanent Mission of the Islamic Republic of Afghanistan to the United Nations has the honour to transmit herewith the voluntary pledges and commitments of the Islamic Republic of Afghanistan in the field of the protection and promotion of human rights and fundamental freedoms (see annex), with reference to the candidature of the Islamic Republic of Afghanistan for election to the Human Rights Council for the period 2018-2020 at the elections to be held at the seventy-second session of the General Assembly.

The annex to the present note verbale has been prepared in accordance with General Assembly resolution 60/251, its main aim being to demonstrate the commitment of Afghanistan to the cause of human rights both at the national and the international levels.

The Permanent Mission of Afghanistan to the United Nations would be grateful if the present note verbale and its annex could be circulated as a document of the General Assembly.

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Annex to the note verbale dated 5 September 2017 from the Permanent Mission of Afghanistan to the United Nations addressed to the Secretariat

Candidature of Afghanistan to the Human Rights Council, 2018-2020

Voluntary pledges and commitments pursuant to the General Assembly resolution 60/251

1. Afghanistan is honoured to present its candidature for membership in the Human Rights Council for the period 2018-2020. Afghanistan brings vast experience in the implementation of human rights on the basis of its policies, strategies and progressive accomplishments in the promotion and protection of human rights. Following the fall of the Taliban regime in 2001, the achievements of Afghanistan in the area of human rights have been remarkable. The credit goes to several parties, including the State itself, national human rights institutions and civil society, as well as the international community, who, with continued support, has helped Afghanistan to move towards a better country where its citizens live with dignity and rights. Afghanistan has consolidated its human rights gains and is ready to share them with the international human rights forums, the Human Rights Council and its subsidiary bodies and mechanisms. This is the first time Afghanistan has presented its candidature for membership in the Human Rights Council.

2. The Afghan Constitution enshrines the commitment of Afghanistan to human rights. It acknowledges the importance of the Charter of the United Nations and the Universal Declaration of Human Rights, while specific articles ensure the rights of every man and woman. Progressive realization of the human rights principles, such as freedom of expression; inclusive decision-making; women's participation in political, social, economic and security domains; and improvement in social services, such as access to health care and education, are critical gains achieved by Afghanistan. The country is rigorously building its national security forces while combating terror and violent extremism every day almost in every corner of its territory. Afghanistan brings with itself a diverse experience acquired from conflict and its consequences, socioeconomic challenges, institutional efforts for peace and justice and democratic aspirations, all of which allow the country to have a practical and exceptional role in the promotion and protection of human rights and human dignity.

3. The Afghanistan Independent Human Rights Commission, established in accordance with the United Nations-sponsored Bonn Agreement of December 2001, was officially recognized in the Afghan Constitution (article 58) in 2004. The Commission is a national human rights institution dedicated to the promotion, protection and monitoring of human rights, as well as the investigation of human rights abuses. The Commission, with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), has twice secured "A" status accreditation from the peer review process of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, giving it enhanced access to the United Nations human rights bodies. The Commission has played a significant role in the promotion, protection and monitoring of the human rights situation in Afghanistan since its creation.

1. Action at the international level

Adherence to the United Nations core international human rights conventions

4. Afghanistan has signed and ratified seven core international human rights conventions, some of which it ratified as far back as in 1983. They include the International Covenant on Civil and Political Rights (1983); the International Covenant on Economic, Social and Cultural Rights (1983); the International Convention on the Elimination of All Forms of Racial Discrimination (1983); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987); the Convention on the Rights of the Child (1994); the Convention on the Elimination of All Forms of Discrimination against Women (2003) and the Convention on the Rights of Persons with Disabilities (2012). Afghanistan has also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2003).

5. Afghanistan was among the first Islamic countries to support the adoption of the Universal Declaration of Human Rights, in 1948, which is a strong indication of the nation's commitment to universal standards of human dignity.

Cooperation with special procedures mechanisms

6. Afghanistan has welcomed all the special procedures mandate holders in recent years. The country received visits from the Special Representatives of the Secretary-General and Special Rapporteurs on various thematic areas, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, in October 2002 and May 2008; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in September 2003; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in 2009; the Special Representative of the Secretary-General for Children and Armed Conflict, in February 2010; the Special Rapporteur on violence against women, its causes and consequences, in November 2014; the Special Representative of the Secretary-General for Children and Armed Conflict, in February 2016; and the Special Rapporteur on the human rights of internally displaced persons, in October 2016. The Government of the Islamic Republic of Afghanistan expects the visit of the Special Rapporteur on the situation of human rights defenders in the course of 2017.

7. The Government of the Islamic Republic of Afghanistan has welcomed the recommendations made by the special procedures and employed them as guidance to strengthen the systems. Afghanistan is committed to continuing compliance with the recommendations and follow-up. The country has prepared action plans to ensure implementation of the recommendations and rigorously monitor the progress.

Cooperation with the Office of the United Nations High Commissioner for Human Rights

8. Afghanistan continues to strengthen its cooperation with OHCHR. In the past 12 years, the United Nations High Commissioners for Human Rights have made three different visits to Afghanistan, each of which have inspired a constructive relationship between the country and the Office that is still maintained. Furthermore, the Human Rights Unit of the United Nations Assis'ance Mission in Afghanistan was established as part of OHCHR to pursue an overall strategy for ensuring the protection and promotion of human rights. The unit is involved in

strategic discussions on human rights, as well as aiding the country in targeted research and reporting on human rights situations.

Implementation of United Nations core human rights conventions

9. Afghanistan attaches significant value to its reporting obligations to human rights instruments and closely follows the implementation of their recommendations. The second periodic report of Afghanistan to the Committee against Torture was reviewed in April 2017. The Government of the Islamic Republic of Afghanistan is fully committed to the implementation of and follow-up to the concluding observations resulting from the review. The country's second periodic report to the Committee on the Elimination of Discrimination against Women was accomplished in July 2011, and the report to the Committee on the Rights of the Child in 2009. Additionally, Afghanistan reported on its obligations under the International Covenant on Economic, Social and Cultural Rights in April 2008.

Universal periodic review

10. Afghanistan is committed to an open and constructive engagement in a robust universal periodic review procedure, including reporting on measures taken to follow up on its recommendations. Afghanistan was among the first countries reviewed under the universal periodic review mechanism of the Human Rights Council in May 2009, which was followed by the second cycle of the review in January 2014. Both were prepared through an inclusive and extensive consultation process involving all relevant ministries and other governmental entities, the Afghanistan Independent Human Rights Commission, civil society and non-governmental organizations. Afghanistan is implementing recommendations made in the previous review and is currently preparing for the third review cycle, planned for January 2019.

International Criminal Court

11. Afghanistan is committed to cooperation with the International Criminal Court. The majority of crimes preserved in the Rome Statute have been reflected in the new Penal Code of Afghanistan, which is already in the final stages of endorsement. A channel of communication and collaboration with the Court has been established in the past two years, and the Government is committed to keeping it open and constructive. To strengthen relations and share the progress, two high-ranking delegations from the Government of the Islamic Republic of Afghanistan visited the headquarters of the Court, which was followed by the submission of two sets of informational packages to the Court pertaining to the legal actions taken by the Government against crimes under the Rome Statute. Moreover, an official invitation has been extended to the Court to visit Afghanistan.

2. Actions at the national level

Progress in national legislation

12. The Government of the Islamic Republic of Afghanistan has strived to include provisions of the conventions it has ratified into domestic laws. Afghanistan has recently endorsed the Law Inhibiting Torture (February 2017), the Law on Combating Human and Migrant Trafficking (December 2016), the Criminal Procedure Code (May 2014), the Law on the Prohibition of Child Recruitment in the Military (December 2014) and the Law on Access to Information (November 2014). In addition, provisions of the conventions were adopted in several laws that had

been enacted in past years, including the Juvenile Code, the Law on the Elimination of Violence against Women, the Law on Financing Terrorism, the Labour Law, the Law on the Anti-Corruption Strategy, the Law on Juvenile Rehabilitation Centres, the Law on Abduction and Human Trafficking, the Law on Commercial Mediation, the Law on Private Investment, the Law on Prisons and Detention Centres, the Law on Political Parties, the Law on Gatherings and the regulation on women's shelter/support centres. Those laws, some of them landmark achievements of their kind, allow the country to enhance the promotion and protection of human rights and human dignity. Afghanistan is committed to reinforcing the rule of law, the justice system and accountability mechanisms and delivering the best to its citizens.

Improving accountability and transparency

13. The Government of the Islamic Republic of Afghanistan believes that accountability and transparency are an integral part of governance for peace, development and human rights. Beside the legislative reforms, Afghanistan has started a judicial reform programme that includes a review of structures and procedures. Most of the human resources of the Supreme Court and the Office of the Attorney General have been recruited in the past two years through a merit-based competition, with a noticeable female representation. A high-level council on the rule of law and anti-corruption, which reports to the President, was established to lead the government effort on accountability and transparency. To further improve accountability and transparency, a special court to review cases of corruption has been established, which has so far reviewed several cases of alleged corruption.

14. To emphasize the need for good governance and accountability, the Government launched the Citizens' Charter programme in October 2016. The Citizens' Charter is part of the effort to break the cycle of fragility and violence and to promote the right to decision-making and development at the grass-roots level. The Charter grants a social contract between the Government and community-level development councils to improve the delivery of core infrastructure and social services. Moreover, approximately 40 per cent of members of the development councils are women.

15. The freedom of expression has been a fundamental success in contributing to the promotion of human rights, social accountability and transformation that is unique to Afghanistan and its current generation. This freedom has been manifested in a considerable number of television channels, radio stations, print media and art and music platforms, as well as a heavy presence of Afghans on social media networks. As a result, the free and independent media play a significant role in the protection, promotion and monitoring of human rights in Afghanistan. The Law on Access to Information has been useful in empowering the citizens, and the growing and vibrant civil society is among the most crucial contributors to the promotion and protection of human rights in Afghanistan.

Empowering women and promoting gender equality

16. The Government is the main vehicle for implementing policies and commitments to advance the status of women and girls. Afghan women have borne a heavy burden from causes related to chronic conflict and war trauma, widespread poverty, sociocultural traditions and practices and poor infrastructure. The Law on the Elimination of Violence against Women has been in force since 2009, and a regulation on the protection of human rights in the governmental institutions was endorsed in August 2014. The national multi-year action plan on the implementation of Security Council resolution 1325 (2000) on women, peace and security was endorsed in 2015. The country has concluded a national action plan on women's economic empowerment through an inclusive and extensive process involving

women's representatives from the provinces, civil society and experts. Girls' education, including access to a higher level of education; maternal health and nutrition; women's access to employment; the role of women in political, social, economic and security affairs; access to justice; and women's participation in the peace process are central to the Government. The Ministry of Women's Affairs is mandated with formulating policies, setting priorities and coordinating the programmes on the empowerment of women with other partners. In recent years, directorates on gender and human rights have been created in the ministries and in the Afghanistan National Defence and Security Forces. Recently, the position of Deputy Attorney General was created specifically with regard to the areas concerning violence against women, juvenile offences and human rights. Similarly, at the provincial level, attorneys and structures for combating violence against women and juvenile offences and on human rights have been established. With the aim of gender equality and merit-based recruitment, female representation in the Office of the Attorney General has increased from 4 per cent to 17 per cent in the past year. That includes the recruitment of 10 women at the level of Director General, four of whom are members of the High Council of the Office of the Attorney General. Moreover, special courts and prosecutors on cases related to violence against women and juvenile justice have been created to ensure that women have better access to the justice system.

Rights of internally displaced persons and returnees

17. Afghanistan has experienced an unprecedented return of refugees and internally displaced persons in recent months. The Government is committed to protecting the rights of internally displaced persons and returnees and providing effective mechanisms for addressing their specific needs. The Migration Council, led by the President, and the Displacement and Return Executive Committee, led by the Chief Executive, are high-level decision-making mechanisms to ensure effective Government-led responses for internally displaced persons in protracted displacement, newly internally displaced persons and returnees. The national policy on internally displaced persons remains a key instrument to guide government efforts to address the specific needs. To address population displacement, the Government aims for a durable solution that consists of improved security, predictable resources and employment opportunities. The steps taken so far in the peace process, regional economic integration and civil service reform will support solutions to the population movement.

Afghanistan sustainable development goals

18. The Government of the Islamic Republic of Afghanistan believes that equality and justice are requisites for peace and sustainable development. Afghanistan has thus endorsed the basic pillars of sustainable development, which are economic, social and environmental goals and the integrated principles of peace, justice and institutional development. The Afghanistan National Peace and Development Framework (2017-2021) affirms the vision and commitments of the country to achieve self-reliance and improve the welfare of its citizens. The economic and development forecast for Afghanistan is strongly linked with the achievement of a durable peace and reconciliation. The Government has invested in the peace process and stands firm on the need to find political solutions to the conflict.

3. Challenges

19. Global terror has targeted Afghanistan owing to its central location and difficult terrain. Best estimates show an increase from 200 to 11,000 foreign fighters

over the past two years. Afghanistan is making a full contribution as a front-line State and as a first line of defence for the security of the region. The Government of the Islamic Republic of Afghanistan is fighting over 20 international terrorist groups on behalf of the world. The situation of the country at the time of this pledge is highlighted by the high number of civilian casualties from conflict, including the suicide attacks and threats from the Taliban, Al-Qaida, Islamic State in Iraq and the Levant, the Haqqani Network and other militant groups. The country also faces a humanitarian situation caused by internal displacement owing to conflict and a large number of returning refugees. Despite these challenges, every day Afghans strive towards their aspirations of security and peace, justice and human dignity. Membership of Afghanistan in the Human Rights Council will boost the nation's aspirations for the value of human rights, as they are universal, indivisible and interdependent.

4. Commitments by Afghanistan as a candidate for membership in the Human Rights Council

20. Afghanistan fully acknowledges the responsibilities of its membership in the Human Rights Council. Afghanistan is committed to making a meaningful contribution to the promotion and protection of human rights at the national, regional and international levels during and after its membership in the Council. Afghanistan hereby pledges to:

National level

(a) Remain committed to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Ensure endorsement of the revised Penal Code consistent with the Afghan Constitution and guided by the commitment of Afghanistan to the international conventions;

(c) Ensure endorsement of a comprehensive Child Act and the development of a national action plan on the protection of children;

(d) Ensure full implementation of the national multi-year action plan on Security Council resolution 1325 (2000) on women, peace and security;

(e) Remain committed to ensuring the meaningful participation of women in political decision-making, including the peace talks, the security and justice sectors, legislative processes and economic programmes;

(f) Ensure that civilian casualties from armed conflict are reduced to a minimum level;

(g) Continue its full support for the Afghanistan Independent Human Rights Commission and ensure the implementation of the office of the Ombudsperson within the Commission;

(h) Establish an adequate information-sharing system on threats to media outlets, civil society organizations, journalists and human rights defenders at the provincial level;

(i) Continue to foster genuine participation and meaningful involvement of civil society and human rights defenders in the promotion and protection of human rights;

Regional level

(j) Maintain support for the creation of a regional human rights mechanism in South Asia and advocate its role and effect with relevant Member States;

International level

(k) Continue its full cooperation with the Human Rights Council in accordance with General Assembly resolution 60/251 and engage with the aim of contributing to the full implementation of the mandate of the Council;

(l) Establish qualitatively new standards of cooperation with all parts of the human rights monitoring mechanisms of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, the special procedures mandate holders, the complaint procedure of the Human Rights Council and the treaty bodies;

(m) Uphold the universality of the universal periodic review and engage in the review process through constructive participation in the interactive dialogues;

(n) Remain committed to implementing the recommendations that received its support during the second cycle of the universal periodic review of Afghanistan;

(o) Support initiatives to strengthen the capacity of the Human Rights Council to promote the rights of the most vulnerable groups, with special emphasis on children, women, persons with disabilities, internally displaced persons, returnees and refugees;

(p) Increase its activities aimed at sharing its experience in carrying out renowned programmes in various areas, such as counter-terrorism, women's rights, freedom of expression and others, that serve the goal of effective implementation of human rights;

(q) Continue to support the meaningful engagement of civil society and non-governmental organizations with the Human Rights Council;

(r) Support efforts aimed at ensuring an efficient international response to newly emerging human rights challenges.